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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Dorsey & Whitney LLP US Bank Center 1420 Fifth Avenue Suite 3400 Seattle, WA 98101-4010			EXAMINER LENNOX, NATALIE	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 05/01/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/523,128	Applicant(s) LAW ET AL.	
	Examiner NATALIE LENNOX	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 2-4 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-14 and 16-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/11/2008, 02/28/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action has been issued in response to the arguments filed on February 4, 2008. Claims 1-26 are pending with claims 2-4 and 15 cancelled, claims 1, 5-8, 10, 12, 16-19, and 21-25 amended, and claim 26 new.

Response to Arguments

1. Applicant's arguments filed February 4, 2008 have been fully considered but they are not persuasive.

Regarding applicant's arguments on Remarks' page 13, last paragraph, applicant argues that "Voxeo does not disclose, teach, or suggest arranging dialog elements in a tree structure or selecting dialog elements and adding them to a tree structure, "said dialog elements having user configurable properties and corresponding to respective predetermined sequences of VoiceXML elements (emphasis added)."" Further, examiner argues that Voxeo's "toolbar contains all of the CallXML or VoiceXML elements that are valid within the current editing context. Therefore, Voxeo does not disclose "dialog elements", as they are set forth in Claims 1, 17, and 25. Examiner respectfully disagrees with the applicant given that Appendix A from applicant's disclosure (pages 19-27) provides examples of dialog elements such as "Menu," "Record," "Speaker," and "Jump," among others which are the same as Voxeo's CallXML or VoiceXML dialog elements present in the toolbar such as "menu," "recordAudio," playAudio," and "goto," and which perform the same functions.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 5-14, 16-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voxeo Designer 2.0 (Feb. 2002), hereinafter Voxeo, in view of Pfeiffer et al. (US 2003/0055651), hereinafter Pfeiffer.

As per claims 1, 14, 17, and 26, Voxeo teaches a process, systems (claims 14 and 17), and computer readable storage medium (claim 26) for developing a voice application, including:

generating graphical user interface components for defining execution paths of a voice application by arranging dialog elements in a tree structure, each path through said tree structure representing one of said execution paths, said dialog elements having user configurable properties and corresponding to respective predetermined sequences of VoiceXML elements (first screenshot "The Workspace", wherein the "MainMenu" dialog element is connected to subsequent dialog elements "PlayMessages," "ApplicationHelp," and "LeaveMessage," thereby forming a tree structure with the various execution paths from the main menu representing the branches. Also, "The Toolbar" and "The Property Editor" screenshots, wherein "the toolbar" contains the list of dialog elements (VoiceXML), and wherein "the property editor" provides for modifying the properties of the dialog elements as shown.); and

receiving user input generated by user interaction with said graphical user interface components (Voxeo's "The Workspace," menu "MainMenu" plays a prompt then waits for digit input such as "onTermDigit : "1"");

processing said user input to define a voice application by selecting dialog elements representing components of said voice application, configuring properties of the selected dialog elements, and defining execution paths of said voice application as respective sequences of at least a subset of the selected dialog elements (Voxeo's "The Workspace," where menu "MainMenu" plays a prompt, waits for user input such as "onTermDigit : "1" which defines voice application "PlayMessages" with its respective sequence of execution paths. Also, as shown on the right of "The Workspace," "The Property Editor" provides for modifying the properties of the dialog elements.); and

However, Voxeo does not specifically mention

generating voice application code for said application, said application code representing each dialog element of said voice application as a sequence of VoiceXML elements including extended attributes to allow said tree structure of said application to be determined.

Conversely, Pfeiffer teaches

generating voice application code for said application, said application code representing each dialog element of said voice application as a sequence of VoiceXML elements including extended attributes to allow said tree structure of said application to be determined (Pfeiffer's paragraph [0010].).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of generating voice application code for said application, said application code representing each dialog element of said voice application as a sequence of VoiceXML elements including extended attributes to allow said tree structure of said application to be determined as taught by Pfeiffer for Voxeo's process because Pfeiffer provides a method for extended element types to enhance operational characteristics in a voice portal for supporting voice applications that provide unique business services (title and paragraph [0020]).

As per claim 6, Voxeo teaches a process as claimed in claim 1, wherein each dialog element of said application code includes a reference to the next of said dialog elements in an execution path of said application ("The Workspace" illustrates at least the dialog element "PlayMessages," which includes a reference to the "ErrorBlock" dialog element.).

As per claim 7, Voxeo teach a process as claimed in claim 1, including processing said application code to generate visual representation of said dialog elements and said execution paths ("The Workspace" illustrates dialog element "PlayMessages" containing an execution path towards "ErrorBlock" included in the application.).

As per claim 18, Voxeo teach a system as claimed in claim 17, wherein said selector is adapted to process said application code to generate a graphical

representation of said dialog elements and said execution paths of said application (first screenshot "The Workspace" clearly illustrates the graphical representation of the dialog elements included in the "toolbar" and wherein at least one application is the "PlayMessages" dialog element.).

As per claim 25, Voxeo teach a graphical user interface for use in developing a voice application, said interface including graphical user interface components for defining execution paths of said application by arranging dialog elements in a tree structure, each path through said tree structure representing one of said execution paths, said dialog elements having user configurable properties and corresponding to respective predetermined sequences of VoiceXML elements, wherein said dialog element include at least three of:

- a start dialog component for defining the start of said application (screenshot of the "The Toolbar" shows the "run" item under the Actions menu);

- a variables component for use in defining variables for said application;

- a menu component for defining a menu (screenshot of the "The Toolbar" shows the "menu" item under the Blocks menu);

- a menu choice component for defining a choice of said menu (screenshot of the "The Toolbar" shows the "menu" and "block" items under the Blocks menu);

- a decision component for defining a decision branching point (screenshot of the "The Toolbar" shows the "onMaxDigits," "onMaxTime," "onMaxSilence," "onMaxPages," "onCallFailure," "onTermDigit," and "onError" items under the Events menu);

a decision branch component for defining a test condition and an execution branch of said decision branching point (screenshot of the "The Toolbar" shows the "onTermDigit" item under the Actions menu);

a form component for defining a form to collect input from a caller (screenshot of the "The Toolbar" shows the "recordAudio" or "text" items under the Media menu);

a record component for recording audio (screenshot of the "The Toolbar" shows the "recordAudio" item under the Media menu);

a speaker component for playing prompts (screenshot of the "The Toolbar" shows the "playAudio" item under the Media menu);

a local processing component for defining local processing; a remote processing component for performing processing on a remote system;

a loop component for defining an execution loop; a loop call component for calling said loop;

a loop next component for proceeding to the next cycle of said loop;

a loop break component for breaking out of said loop;

a subroutine component for defining a subroutine;

a subroutine call component for calling said subroutine;

a subroutine return component for returning from said subroutine;

a jump component for defining a non-sequential execution path to a dialog element;

a transfer component representing the transfer of a call to another number;

a hotwords component for defining a word or phrase and a non-sequential execution path to a dialog element to be followed upon receipt of said word or phrase; and

an end component for defining an end of said application (screenshot of the "The Toolbar" shows the "hangup" item under the Actions menu).

As per claim 5, Voxeo, as modified by Pfeiffer, teach a process as claimed in claim 1, wherein said extended attributes are qualified names of a qualified XML namespace (Pfeiffer's paragraphs [0190]-[0191]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of extended attributes are qualified names of a qualified XML namespace as taught by Pfeiffer for Voxeo's process because Pfeiffer provides a method for extended element types to enhance operational characteristics in a voice portal for supporting voice applications that provide unique business services (title and paragraph [0020]).

As per claims 8 and 19, Voxeo teaches a process and system as claimed in claims 1 and 17, but does not specifically mention wherein said step of generating application code includes generating extended VoiceXML code, prompt data, and grammar data for said application.

However, Pfeiffer teaches said step of generating application code includes generating extended VoiceXML code, prompt data, and grammar data for said

application (Paragraphs [0200]-[0204], also Tables 8 and 9, wherein Table 9 specifically provides an example of the use of prompts in the extended file type attributes.).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of said step of generating application code includes generating extended VoiceXML code, prompt data, and grammar data for said application as taught by Pfeiffer for Voxeo's process because Pfeiffer provides a method for extended element types to enhance operational characteristics in a voice portal for supporting voice applications that provide unique business services (title and paragraph [0020]).

As per claims 9 and 20, Voxeo, as modified by Pfeiffer, teach a process and system as claimed in claims 8 and 19, wherein said prompt data is represented as a grammar, and said process includes improving said grammar (Pfeiffer's paragraph [0202], wherein the formats for both and are the same.).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of prompt data represented as a grammar, and said process includes improving said grammar as taught by Pfeiffer for Voxeo's process because Pfeiffer provides a method for extended element types to enhance operational characteristics in a voice portal for supporting voice applications that provide unique business services (title and paragraph [0020]).

As per claims 10 and 21, Voxeo, as modified by Pfeiffer, teach a process and system as claimed in claims 8 and 19, including generating at least one script for generating a prompt for said application on the basis of one or more parameters supplied to said script (Pfeiffer's paragraph [0005] and Table 5 (below paragraph [0179])).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of generating at least one script for generating a prompt for said application on the basis of one or more parameters supplied to said script as taught by Pfeiffer for Voxeo's process because Pfeiffer provides a method for extended element types to enhance operational characteristics in a voice portal for supporting voice applications that provide unique business services (title and paragraph [0020]).

As per claims 11 and 22, Voxeo, as modified by Pfeiffer, teach a process and system as claimed in claims 10 and 21, wherein said at least one script is generated on the basis of at least one script template and prompt data defined for said prompt by a user (Pfeiffer's Paragraph [0005]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of at least one script is generated on the basis of at least one script template and prompt data defined for said prompt by a user as taught by Pfeiffer for Voxeo's process because Pfeiffer provides a method for extended element types to enhance operational characteristics in a voice portal for

supporting voice applications that provide unique business services (title and paragraph [0020]).

As per claim 12, Voxeo, as modified by Pfeiffer, teach a process as claimed in claim 10, wherein said at least one script includes ECMAScript (Pfeiffer's Table 5 (below paragraph [0179])).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of at least one script including ECMAScript as taught by Pfeiffer for Voxeo's process because Pfeiffer provides a method for extended element types to enhance operational characteristics in a voice portal for supporting voice applications that provide unique business services (title and paragraph [0020]).

As per claims 13 and 23, Voxeo, as modified by Pfeiffer, teach a process and system as claimed in claims 8 and 19, including generating VoiceXML code and IVR grammar data for execution of said application on an IVR system on the basis of said extended VoiceXML code, prompt data, and grammar data (Pfeiffer's paragraphs [0170], [0200]-[0204], also Tables 8 and 9, wherein Table 9 specifically" provides an example of the use of prompts in the extended file type attributes.).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of generating VoiceXML code and IVR

grammar data for execution of said application on an IVR system on the basis of said extended VoiceXML code, prompt data, and grammar data as taught by Pfeiffer for Voxeo's process because Pfeiffer provides a method for extended element types to enhance operational characteristics in a voice portal for supporting voice applications that provide unique business services (title and paragraph [0020]).

As per claim 16, Voxeo, as modified by Pfeiffer, teach a computer readable storage medium having stored thereon program instructions for executing the process of claim 1 (see rejection for claim 1 and Pfeiffer's paragraph [0007]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of a computer readable storage medium having stored thereon program instructions for executing the process of claim 1 as taught by Pfeiffer for Voxeo's process because Pfeiffer provides a method for extended element types to enhance operational characteristics in a voice portal for supporting voice applications that provide unique business services (title and paragraph [0020]).

As per claim 24, Voxeo teaches the system of claim 17, but does not specifically mention generating an extended VoiceXML file. However, Pfeiffer teach generating an extended VoiceXML file (Pfeiffer's Tables 8 and 9).

It would have been obvious to one having ordinary skill .in the art at the time the invention was made to have used the feature of generating an extended VoiceXML file as taught by Pfeiffer for Voxeo's process because Pfeiffer provides a method for

extended element types to enhance operational characteristics in a voice portal for supporting voice applications that provide unique business services (title and paragraph [0020]).

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATALIE LENNOX whose telephone number is (571)270-1649. The examiner can normally be reached on Monday to Friday 9:30 am - 7 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571)272-7602. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NL 04/28/2008

/Richemond Dorvil/
Supervisory Patent Examiner, Art Unit 2626